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Chairman: Mr. Enkhsaikhan ..... (Mongolia)

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98-82415 (E)

The meeting was called to order at 10.25 a.m.

Agenda item 149: United Nations Decade of International Law *(continued)*

(a) United Nations Decade of International Law *(continued)* (A/53/492, A/53/525 and A/C.6/53/L.8/Rev.1)

(b) Progress in the action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law *(continued)* (A/C.6/53/L.12)

(c) Draft guiding principles for international negotiations *(continued)* (A/53/332 and Add.1 and A/C.6/53/L.14)

1. **Ms. Sohaib** (Libyan Arab Jamahiriya) said that the United Nations Decade of International Law had helped to strengthen acceptance of and respect for the principles of international law and the peaceful settlement of disputes and its main purposes had been achieved. She commended the efforts made to disseminate information concerning United Nations activities in the field of international law and to provide access to multilateral treaties. She hoped that the United Nations Treaty Collection would be published in all the official languages of the Organization and that all Member States would have easy access to the new electronic database established for the Treaty Section and other relevant information disseminated electronically. In that connection, consideration should be given to the fact that, with their limited resources and technological capacities, the developing and least developed countries could be prevented from taking advantage of such access owing to the high fees imposed on them by the Secretariat.

2. In order to resolve its disputes with neighbouring States over the past two decades, her country had turned to the International Court of Justice, which had an important role to play in the peaceful settlement of such disputes. It had fully implemented the ensuing rulings of the Court, to which it had also resorted with a view to resolving its dispute with the United States and the United Kingdom concerning the Lockerbie case. That case had consequently been deemed a legal dispute that fell within the jurisdiction of the Court to the exclusion of any other United Nations body.

3. She welcomed the list of events in 1999 related to the centennial of the first International Peace Conference (A/C.6/53/11), which was particularly significant because it coincided with the closing of the United Nations Decade of International Law and the fiftieth anniversary of the four Geneva Conventions of 1949. She hoped that the outcome of the meetings organized in The Hague, Saint Petersburg and Geneva by the "Friends of 1999" to commemorate the occasion would support the purposes of the United Nations Decade of International Law. In conclusion, she emphasized the importance of the draft principles and guidelines for international negotiations as a valuable tool and applauded the efforts of the Working Group on the United Nations Decade of International Law.

4. **Mr. Win** (Myanmar) said that his delegation supported the draft principles and guidelines for international negotiations. His country had firmly adhered to the principles of peaceful coexistence with all countries throughout its fifty years of independent history. Friendly negotiations with neighbouring countries were the only way to settle any form of problem, big or small, and Myanmar had never had a dispute that had not been settled amicably. In a world where new States were being born and old States being divided, with the consequent problems of demarcating new borders, sharing waterways and owning off-shore islands and other resources, rules that provided a level playing field had become a matter of necessity. It was to be hoped that every nation would eventually accept that negotiation was a prerequisite before having recourse to any less desirable means of settling disputes. The draft principles and guidelines should go a long way towards reducing tension between States and, by reducing the burden borne by the United Nations when it intervened in potential flashpoints, would allow much needed resources to be diverted to its other critical humanitarian obligations. Once a proper climate for negotiation was created, no country, however small or powerless, would need to negotiate in fear and one of the noble objectives of the United Nations would be realized.

5. His delegation strongly supported efforts by the United Nations to encourage the teaching, study, dissemination and wider appreciation of international law. It noted with satisfaction that the project to establish a new electronic database system for the United Nations Treaty Collection would be launched in November 1998. It also welcomed the programme of action for the centennial celebrations developing the themes of the first and second International Peace Conferences. It was a fitting way to close the Decade, which had been highly productive.

6. **Mr. Ayyalaraju** (Australia) said that the Decade would be remembered for the conclusion of a number of significant multilateral treaties, including the Convention on the Safety of United Nations and Associated Personnel, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the International Convention for the Suppression of Terrorist Bombings. His delegation hoped also to see the draft Convention for the

Suppression of Acts of Nuclear Terrorism adopted during the current session. Moreover, it was of major significance that the establishment of an international criminal court was within sight. By adopting the Rome Statute, the international community had advanced the rule of law.

7. The Decade had also been notable for the strengthening of respect for the principles of international law, in particular through the establishment of the International Criminal Tribunal for the Former Yugoslavia and the International Tribunal for Rwanda. Australia had passed domestic legislation to facilitate cooperation with the Tribunals. It also supported the role of the Permanent Court of Arbitration in the peaceful settlement of international disputes. Australia had acceded to the 1907 Hague Convention for the pacific settlement of international disputes in 1997. It had long supported programmes to promote greater use of the Permanent Court of Arbitration and encouraged other countries to consider using its services, which included good offices, mediation, commissions of inquiry, conciliation and arbitration.

8. Following such positive developments, it was important to maintain the momentum gathered during the Decade. Worldwide, there was a more sophisticated understanding of the role played by international law, partly owing to the efforts of the United Nations. The publications mentioned in the note by the Secretary-General (A/53/492) formed an important contribution to the Decade. The activities of the Codification Division and the extensive array of United Nations Internet Web sites were also most important.

9. Wide access to the United Nations Treaty Collection and other documents relating to international law was an important means of promoting knowledge of the subject. The advent of the Internet had thus been a timely boon for the Decade. His delegation hoped that States would be given an opportunity to submit written comments on developing the policy of Internet access to the database. His delegation had been the original sponsor of General Assembly resolution 51/158 and a free-access Internet Web site had been established in Australia, containing the texts of more than 2,000 treaties, including all those to which Australia had become a party since 1930. Although aware that budgetary considerations should be taken into account, his delegation would ideally like to see a system under which all non-commercial users could obtain free Internet access to the Treaty Collection and the multilateral treaties deposited with the Secretary-General.

10. As a "Friend of 1999", his delegation called on all States to participate in the activities proposed in draft resolution A/C.6/53/L.12 on action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the United Nations Decade of International Law. He was glad to announce that an Asia-Pacific regional conference to commemorate the centennial would be held in Australia in February 1999. The three themes of the first International Peace Conference — international humanitarian law, arms control and disarmament — would be addressed.

11. **Mr. Dos Santos** (Mozambique) said that, as the end of the Decade approached, its success could not be denied. It offered a bright hope for a new millennium dedicated to burying the hatchet of war, with nations conducting their relations in accordance with the principles and rules of international law and solving their disputes by peaceful means. The implementation of the aims of the Decade had required a strong commitment by the United Nations, Member States and international organizations. His delegation was therefore happy to note that States, particularly from Africa and Asia, were increasingly resorting to the International Court of Justice for the peaceful settlement of their disputes. It was a positive result of the Decade which deserved a strong response from the General Assembly to ensure that the Court had adequate resources to undertake its duties efficiently.

12. Remarkable advances had been made in the progressive development and codification of international law, resulting in the adoption of a number of overwhelmingly important instruments such as the Rome Statute of the International Criminal Court, the Convention on the Law of the Non-Navigational Uses of International Watercourses and the International Convention for the Suppression of Terrorist Bombings, among many others. The law of the sea had also been admirably developed and the International Tribunal for the Law of the Sea had taken the major step forward of issuing its first judgement. The International Law Commission had done admirable work in that context, as had been highlighted by the colloquium on the progressive development and codification of international law, held in New York in 1997. Another colloquium had been held in June 1998 to mark the fortieth anniversary of the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, which his Government had ratified. It had also ratified the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (Ottawa Convention), the United Nations Convention on the Law of the Sea, the Agreement Relating to the Implementation of Part XI of the Convention and the Convention on the Elimination of All Forms of Discrimination against Women. It was studying other instruments of relevance to the development of international

law. Mozambique had offered to host the first meeting of States parties to the Ottawa Convention in 1999.

13. In September 1998, the Legal Department of the Ministry of Foreign Affairs and Cooperation of Mozambique had organized a workshop on international law, attended by government officials, diplomats, lawyers and academics. Among the 10 speakers was the Dean of the Law School of the State University, who had released plans to expand his faculty's curriculum on international law. Although the Decade was coming to an end, its objectives would remain a priority of all peace-loving nations. In that spirit his country would join the events scheduled to commemorate the centennial of the first International Peace Conference and the closing of the Decade.

14. **Mr. Kachurenko** (Ukraine) said that his delegation attached special importance to the events related to the closing of the Decade and the Centennial of the first International Peace Conference. He expressed appreciation to the delegations of the Netherlands and the Russian Federation for their review, during the fourth meeting of the "Friends of 1999" held in October 1998, of the preparations for the events in The Hague and St. Petersburg. The topics to be considered at those meetings, namely, peaceful settlement of international disputes, development of international humanitarian law and disarmament, should be given priority and discussed thoroughly. The proposal of the Russian Federation for the issuance of a document finalizing the outcome of the St. Petersburg event deserved wide support. In order to ensure genuine results, the 1999 events should go beyond the ordinary commemorative format and be devoted to ways and means of promoting the objectives of the Decade and strengthening global peace and security. Moreover, the Secretary-General's report on the closing of the Decade should encompass all relevant events at the global, regional and national levels and include well-thought-out recommendations for the further development of international law.

15. His delegation believed that some areas of intergovernmental relations lacked an appropriate legal regime. Priority should therefore be given to legally binding international guarantees of security for States which abandoned nuclear weapons, guarantees of economic security in terms of the use or threat of use of unilateral economic measures, and guarantees of compensation for third States affected by the imposition of Security Council sanctions. If those problems were duly addressed, the progressive development of international law would be considerably facilitated.

16. His delegation expressed appreciation to the Office of Legal Affairs for its efforts to facilitate access to information on United Nations activities in the field of international law, as reflected in the note by the Secretary-General (A/53/492). The publications already issued, and those soon to be released, were among the best summaries of the activities that had taken place in the context of the Decade.

17. His delegation took note of the growing importance of electronic media in facilitating the wider dissemination and appreciation of international law. The United Nations Web site on international law should be developed further. The new treaty database represented a significant step towards overcoming many procedural and technical difficulties.

18. With regard to the draft resolution on draft principles and guidelines for international negotiations (A/C.6/53/L.14), his delegation considered that the topic was worth exploring from both the legal and the practical points of view; Ukraine therefore welcomed the Mongolian initiative. The discussion paper prepared by the Friends of the Chairperson constituted a good basis for adoption and further implementation. His delegation, like many others, believed that the lack of clarity of international negotiating rules did not mean that they could not be formulated clearly in an instrument. Such a document, which would be non-binding and thus flexible enough to meet the need for uniformity in the interpretation of such principles, could encourage due-diligence conduct on the part of States.

19. **Ms. Hallum** (New Zealand) welcomed the new electronic database of the United Nations Treaty Collection and congratulated the Secretariat on the successful completion of the project, which could play a vital role in the dissemination of international law to States and the wider international community. Her Government supported the Secretariat's invitation to States to provide electronic copies of their treaties when submitting them to the United Nations, a step it had endeavoured to take for several years. Her delegation also endorsed the comments made by the Australian delegation regarding the development of a policy on free Internet access to the database for Member States, organizations of the United Nations system, other international organizations and non-commercial users.

20. A number of significant Decade-related events had taken place in her country. Her Government had published a consolidated list in two volumes of all the treaties to which it was a party, and it intended to complete the publication of its treaty texts in the near future. A New Zealand branch of the International Law Association had been established in Wellington and had held a number of conferences on international law.

21. One of the main themes of the Decade had been the peaceful settlement of disputes between States. The Decade

had witnessed the creation of a number of new dispute settlement mechanisms, particularly those established under the United Nations Convention on the Law of the Sea and within the World Trade Organization. Her delegation also deemed it appropriate, however, for the United Nations to emphasize the importance of the peaceful settlement of internal disputes and to encourage States to ensure that the rule of law was maintained in such situations. New Zealand had demonstrated its concern in that area through its ongoing participation in United Nations peacekeeping operations and its support of peace and reconciliation efforts in the South Pacific.

22. The Decade had seen the adoption or entry into force of a number of important international instruments, including the Statute of the International Criminal Court, the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the International Convention for the Suppression of Terrorist Bombings and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction. There was also cause for renewed optimism concerning the future entry into force of the Comprehensive Nuclear-Test-Ban Treaty. It was to be hoped that the international community would redouble its efforts for the ratification and entry into force of other significant international conventions, particularly the Convention on the Safety of United Nations and Associated Personnel.

23. **Mr. Bahk Sahng-hoon** (Republic of Korea) commended the continuing efforts of the Office of Legal Affairs to disseminate information on United Nations activities in the field of international law. His delegation noted with satisfaction the publications issued in 1998, which would undoubtedly enhance public understanding of international law by allowing readers easy access to valuable information on the work of the International Court of Justice and the International Law Commission. His delegation also welcomed the completion of the new electronic database for the United Nations Treaty Collection and looked forward to the continued improvement of the software.

24. Turning to the commemoration of the centennial of the First International Peace Conference, to be held in 1999, he expressed appreciation to the Governments of the Netherlands and the Russian Federation for their initiatives. As one of the "Friends of 1999", his Government would participate actively in the implementation of the programme of action.

25. As the end of the Decade approached, it was appropriate to reflect on what had been achieved and what remained to be done. His delegation believed that the conclusion of the Decade should not mean an end to the efforts to advance the rule of law, but should herald a new beginning in the quest for the further development of international law through the continuation of the programmes of the Decade.

26. **Mr. Manele** (Solomon Islands) took note with satisfaction of document A/53/492 and supported the draft resolution on the item. While taking note of the comment made by the Austrian delegation on behalf of the European Union that the Decade had enabled the themes of international law to be presented to a broader public, his delegation questioned whether enough had been done to popularize the concepts of international law and ensure that they took root among the peoples of the world, rather than being limited to a specialized audience.

27. **Mr. Jeannet** (Observer for the International Committee of the Red Cross (ICRC)), observed that the item under consideration gave ICRC an opportunity to inform the Committee of activities it had performed in its capacity as promoter and guardian of international humanitarian law. The celebration of the close of the United Nations Decade of International Law would be marked by many events, including the fiftieth anniversary of the Geneva Conventions and the twenty-seventh International Conference of the Red Cross and Red Crescent. The events commemorating the centennial of the first International Peace Conference in The Hague and St. Petersburg in 1999 would provide a unique opportunity to take stock of a century of international law. ICRC agreed with most of the conclusions contained in the report on humanitarian law to be discussed at those meetings, especially the conclusion identifying implementation of humanitarian law as the main challenge. Effective implementation of existing law, including the obligation to ensure its respect, was more pressing than the development of new rules. That conclusion countered the arguments that suggested that existing humanitarian law was outmoded and inadequate to protect the victims of some conflicts in the modern world. ICRC was absolutely convinced that humanitarian law remained fully relevant. The recent development of new norms reflected the desire to improve protection for victims, for instance, by banning weapons such as anti-personnel mines and blinding lasers on humanitarian grounds, as well as by creating the International Criminal Court. The report on humanitarian law emphasized the importance of measures States must take in time of peace to respect their obligations. They must spread knowledge of humanitarian law by teaching it to the armed forces and security forces and in universities and schools, as well as adopting national legislation and other regulatory measures, in particular those providing for the prosecution of war criminals.

28. In the first half of 1999, ICRC would be organizing two meetings of governmental and academic experts to discuss the preliminary results of the work carried out by the international group of experts entrusted with the study on customary law. That research would be on the agenda of the twenty-seventh International Conference of the Red Cross and Red Crescent. To mark the fiftieth anniversary of the Geneva Conventions, ICRC had launched the first worldwide survey of its kind among populations and persons affected by war, asking them to describe their experiences and express their opinions on the principles limiting the use of force, as well as their expectations regarding what must be done to deal with such situations.

29. Lastly, he reiterated the ICRC proposal put forward during the Committee's debate on agenda item 146 on the need to maintain a forum for discussion of humanitarian law beyond the end of the United Nations Decade of International Law and on the possibility of expanding that agenda item to include ratification, implementation and promotion of other humanitarian treaties.

30. **Ms. Flores Liera** (Mexico), speaking as Chairperson of the Working Group on the United Nations Decade of International Law, introduced draft resolutions A/C.6/53/L.8/Rev.1 and A/C.6/53/L.14. With regard to the former, she drew attention in particular to operative paragraphs 6, 10, 12, 18 and 19. With regard to draft resolution A/C.6/53/L.14, she said that in the last preambular paragraph the word "non-exhaustive" should be inserted between "general" and "frame of reference". In paragraph 1 (d), the words "in their international relations" should be inserted after the word "refrain". In the *chapeau* of paragraph 2, the words "in international negotiations" should be deleted. None of those changes altered the substance of the draft resolution.

31. **Mr. Lehmann** (Denmark) proposed that in operative paragraph 18 of draft resolution A/C.6/53/L.8/Rev.1, concerning the events that would be taking place during 1999 to commemorate the centennial of the first International Peace Conference and the closing of the United Nations Decade of International Law, a footnote should be inserted referring the reader to the detailed list of those events, contained in document A/C.6/53/11.

32. *Draft resolution A/C.6/53/L.8/Rev.1, as orally amended, was adopted.*

Agenda item 150: Report of the International Law Commission on the work of its fiftieth session *(continued)* (A/C.6/53/L.16)

33. **Mr. Mochochoko** (Lesotho), introducing draft resolution A/C.6/53/L.16, said that it was based essentially on General Assembly resolution 52/156, although some changes had naturally been made, in particular in the first four operative paragraphs, dealing with the topic of "International liability for injurious consequences arising out of acts not prohibited by international law". In paragraph 8 the Commission's decision concerning the duration of its 1999 session was endorsed, and in paragraph 9 the desirability of enhancing dialogue between the Commission and the Committee was stressed, and the Commission was requested to submit recommendations to that effect. In paragraph 11, the Commission was requested to continue implementation of article 16, paragraph (a), and article 26, paragraphs 1 and 2, of its statute and was invited to update the Committee at its fifty-fourth session in that regard. Lastly, paragraph 17 noted the commemoration in Geneva and elsewhere of the fiftieth anniversary of the Commission.

Agenda item 154: Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization *(continued)* (A/C.6/53/L.6/Rev.1)

34. **Mr. Gomaa** (Egypt), recalling that draft resolution A/C.6/53/L.6/Rev.1 had been introduced at a previous meeting, drew attention to minor drafting changes in the text. In paragraph 3, the phrase "from 12 to 23 April 1999" should be inserted in lieu of the suspension points, and the bracketed words "two weeks" should be deleted. In footnote 11, "and A/53/312" should be inserted at the end of the list of references.

35. **Mr. Lee** (Secretary of the Committee), referring to paragraph 5 of the draft resolution, said that the request addressed to the Secretary-General to continue to undertake efforts to identify resources to prepare Supplements to the *Repertory of Practice of United Nations Organs* and the *Repertoire of the Practice of the Security Council* and, in particular, to complete the work required to issue the two remaining volumes of Supplement No. 5 to the *Repertory*, had no financial implications for the 1998–1999 programme budget. It would, however, give rise to the inclusion of the appropriate provision in the programme budget for the biennium 2000–2001 under the relevant departments and offices responsible for preparing the *Repertory* and the *Repertoire*.

36. *A/C.6/53/L.6/Rev.1 was adopted.*

The meeting rose at 12.05 p.m.